

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | No. 5:20-cr-00221 |
| | : | |
| RAFAEL VEGA-RODRIGUEZ, | : | |
| Defendant | : | |

ORDER

AND NOW, this 13th day of June, 2023, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. The Government's Motion in Limine, ECF No. 30, is **GRANTED in part and DENIED in part** as follows:
 - A. The proffered parole violation evidence, apart from certain dates and locations outlined in the Opinion, is admissible under Rule 404(b).
 - B. Vega-Rodriguez's statements on Facebook Messenger are admissible under Rule 801.
 - C. Vega-Rodriguez's Facebook Messenger statements posted on July 13, 2019, July 26, 2019, the December 2, 2019 post beginning ("Da house..."), the two January 4, 2020 posts, and the January 4, 2020 voicemail are admissible under Rule 404(b). The other statements on Facebook Messenger are not admissible.
 - D. The photographs posted to Negron Diaz's cellphone on December 28, 2019, and February 17, 2020, are admissible. Additionally, the Government may admit either: (a) the video posted to Negron Diaz's cellphone on February 15, 2020; or (b) one of the remaining two photographs (posted to Negron Diaz's cellphone on May 19, 2019, and December 25, 2019). The other photographs collected from Negron Diaz's cellphone are not admissible.
 - E. Evidence of Vega-Rodriguez's alleged gang affiliation and alleged involvement in the other shootings is not admissible.
2. All admissibility rulings are conditioned on the Government first laying a proper foundation for the evidence's admission at trial.

3. All inadmissibility rulings are made without prejudice to being renewed at sidebar during trial.

4. Counsel are directed to consult the Opinion for the purposes for which the evidence may be admitted and to jointly submit limiting instructions **on or before September 18, 2023**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge